

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00912/2019
Chandigarh, this the 3rd day of September, 2019

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

Surinder Nath Angrish son of Sh. Jai Gopal aged about 75 years r/o H. No. 456, Kucha No. 7, Field Ganj, Ludhiana (Punjab) – Pin 141008 (Group C)

....**Applicant**

(Present: Mr. Mukesh K. Bhatnagar , Advocate)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Communication and I.T., Department of Post, Dak Bhawan, New Delhi – 110001.
2. Postmaster General Punjab, West Region, Sector 17, Chandigarh – 160017.
3. Senior Supdt. of Post Offices, Ludhiana City Division, Ludhiana, Pin – 141001.

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. The applicant is aggrieved against the order dated 30.07.2019 (Annexure A-1) whereby his claim for medical reimbursement has been rejected on the ground that the retired employees are not covered under CS (MA) Rules, 1944.
2. Heard.
3. Learned counsel vehemently argued that despite a judicial pronouncements of this Court in the case of **Mohan Lal Gupta Vs. Union of India and Others**, further upheld by the Jurisdictional High Court in the case of **Union of India & Others Vs. Mohan Lal Gupta & Another**, 2018 (1) SCT 687, wherein this Court, after analyzing

law on the issue, held that the retirees are also entitled to medical reimbursement under CS (MA) Rules, 1944, the respondents have taken the same plea while rejecting the claim of the applicant and passed the impugned order, which is illegal. Similar view was taken by the Hon'ble Supreme Court in the case of **Shiva Kant Jha Vs. Union of India** (W.P. (Civil) NO. 695/2015 on 13.04.2018). He further submitted that vide a subsequent order dated 18.10.2018 in the case of **Baldev Raj Sharma Vs. Union of India & Others** (O.A. NO. 060/00668/2018), this Court negated the same plea, following the ratio laid down in the case of Mohal Lal Gupta (supra).

4. Issue notice to the respondents.
5. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He is not able to cite any law contrary to what has been observed in the cases of Mohal Lal Gupta (supra), followed in the case of Baldev Raj Sharma (supra). He is also not in a position to state anything in response to the plea that the respondent postal department, despite the issue having been settled up to the Hon'ble Supreme Court, has, arbitrarily, been denying the same benefit to the similarly placed persons, on the same plea which has already been negated. He, however, prays that the respondents be granted time to re-consider the matter in the light of law laid down in the case of Mohan Lal Gupta (supra) and reimburse the admissible amount to the applicant towards medical claim.
6. In view of the above, this Court is left with no other option but to quash the impugned order and remit the matter back to the respondents to re-appreciate it in the light of ratio laid down in the case of Mohal Lal Gupta (supra) and if he is found similarly situated

like the applicant in the relied upon case, the admissible amount be reimbursed to him at PGI/AIIMS rates. Ordered accordingly. Learned counsel for the respondents is expected to advise the respondents not to frustrate the claim of retired employees on the plea of non-applicability of CS (MA) Rules, 1944, which has already been invalidated by the Court of law. No costs.

**(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 03.09.2019**

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